

ENDS CASE AGAINST  
OUSTED SOCIALISTSState Shows Accused Indorsed,  
Through Their Local, the  
Doctrines of Lenin.

## DEFENSE TO BEGIN TO-DAY

Counsel Will Try to Prove  
Lusk Committee Aided  
British Secret Service.

Special to THE SUN AND NEW YORK HERALD.  
ALBANY, Feb. 10.—The Socialist Assemblymen, who alleged disloyalty in being investigated through their New York City local, the Moscow committee, which pledged support to Lenin and Trotsky in the enterprise of overthrowing the government, "by means of battle and in open combat," the state brought out today in closing its case before the Judiciary Committee of the Assembly.

With the evidence being presented in the effort to link the five suspended members with the Third International, counsel for the Socialists took quick advantage of an opening which allowed a statement by the State's lawyers and asked the way to proving later that the five were not guilty of the "mass action" charged by the Lusk committee, dealing with Russian commercial conditions and their way into the hands of the British secret service.

Michael J. Driscoll, special agent for the Lusk committee, testified that in July last at a "soap box" meeting at East Broadway and Jefferson street he heard Assemblyman Chas. J. Glavin declare that revolution never causes bloodshed unless it is opposed to it, and said the Assemblymen upheld the "mass action" supported by strikers in Winnipeg, where he had testified.

Describes Winnipeg Strike.

The State summoned to the stand Robert McKay, a resident of Winnipeg, who described conditions existing in that city during the strike period, which Chas. J. Glavin approved as being little short of total anarchy. Counsel for the Socialists then demanded to know what Mr. Driscoll did with the papers seized by the Lusk committee in its raids. Seymour Spangenberg, a resident of New York, testified that he was acquainted with R. N. Lusk, and brought out that the Lusk committee was photographed at the time of the strike, which Chas. J. Glavin approved as being little short of total anarchy. Counsel for the Socialists then demanded to know what Mr. Driscoll did with the papers seized by the Lusk committee in its raids. Seymour Spangenberg, a resident of New York, testified that he was acquainted with R. N. Lusk, and brought out that the Lusk committee was photographed at the time of the strike, which Chas. J. Glavin approved as being little short of total anarchy.

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We have sold more than \$1,000,000 worth of our Mortgage Certificates during the month of January.

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& TRUST CO

Capital \$5,000,000  
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## SAY HE VIOLATED DRUG LAW.

Dr. Ernest S. Bishop Arrested on Indictment of 26 Counts.

Dr. Ernest S. Bishop of 15 West Seventy-third street entered the Federal District Court yesterday just as Brunson McCarver, internal revenue inspector, was leaving that building with a bench warrant to arrest him on an indictment of twenty-six counts alleging violation of the Harrison drug law. Dr. Bishop pleaded not guilty and was held in \$5,000 bail for trial.

According to Assistant District Attorney David V. Cahill it is the government's contention that Dr. Bishop has been prescribing drugs not for cure but for gratification of his clients. Twenty-five of the indictment's counts make the charge, while the twenty-sixth count concerns a conspiracy with William H. Spangenberg, a druggist of 460 Columbus avenue, to supply the narcotics. Spangenberg has also been indicted, but not yet arrested. The violations of the law are alleged to extend over the past three years.

## Ship Board Rejects Oil Bids.

WASHINGTON, Feb. 10.—Because of the uncertainty of the Mexican oil situation, only three bids for supplying the Shipping Board with fuel for the year beginning March 31 have been received, and these for comparatively insignificant quantities. The board announced today that all of the bids have been rejected. The board's requirements for a year run from 19,000,000 barrels to 25,000,000 barrels.

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URGENT 3 CHANGES IN  
N. Y. CONSTITUTION

Republican Legislators Would  
Extend Governor's Term  
to Four Years.

## APPROVE BUDGET SYSTEM

Regent Election Arouses Senator  
Walker to Attack on  
W. H. Anderson.

Special to THE SUN AND NEW YORK HERALD.  
ALBANY, N. Y., Feb. 10.—Three amendments to the State Constitution proposed today by Republican members of the Legislature carry out in part recommendations made by the reconstruction commission and endorsed by Governor Smith.

The legislative wheels began to turn more rapidly today. More than fifty bills and resolutions were offered in the two houses, the members having declined to withhold their measures while the Socialist trial drags along.

Senator Gibbs of Buffalo and Assemblyman Lee of Kings offered the constitutional amendments on behalf of the Republican majority. Evidently the Republicans propose to pick out of the reconstruction programme such reforms as they approve rather than accept the policy of remodelling the entire State government.

## Extends Governor's Term.

The term of the Governor is extended from two to four years by the first amendment. Another provides that the Secretary of State, Treasurer, Attorney-General and State Engineer shall be appointed by the Governor instead of being elected and makes civil service commissioners constitutional officers and changes the administrative system of charitable and other State institutions.

The third amendment would establish a State budget system such as has been advocated for years by many civic and reform associations.

The Republican contest over the selection of a member of the board of regents to succeed Abram I. Elkus was the cause of trouble in the Senate today when Senator Walker, Democratic leader, charged that the selection had been forced by William H. Anderson, superintendent of the Anti-Saloon League. As a result of the fight several political bargains are said to have been driven, the most important of which will line up additional votes from New York county against the Socialist Assemblyman, William Bondy, the organization candidate who was backed by Samuel Koenig, was named by both houses and will be elected formally at a joint session at noon tomorrow. Col. Michael Friedman was withdrawn as a candidate when it was made clear that the election was to be made a strict party organization matter.

## "Power of Boss Anderson."

"This is another evidence of the power of Boss Anderson, the Simon Legree of the Republican party," Senator Walker said. "At his dictation the Republican organization refuses to support a candidate of the high type of Col. Friedman and accepts the choice of the party machine. It is grotesque."

Comptroller Craig of New York was in conference all day with members of the Senate and Assembly Judiciary committees discussing State and city tax bills. Several measures will be prepared dealing with the subject.

The Senate tomorrow will confirm the nomination of Lewis Nixon as Public Service Commissioner for New York. The Finance Committee today reported favorably the Governor's recommendation of Mr. Nixon's name for reappointment.

In a special message to the Legislature today Gov. Smith recommended enactment of a law to double the membership of the State committees of political parties because of the enfranchisement of women.

## FIVE FRITZ JURORS ACCEPTED.

46 Talsmen Examined in Taxi Murder Case.

Five jurors have been accepted to sit in the trial of Ernest Fritz, the chauffeur of Tuckahoe, N. Y., who is on trial for his life before Justice Davis in the Supreme Court, The Bronx. Fritz is charged with the murder of Mrs. Florence Coyne in Bronx Park last March 23, 2005 Valentine avenue; Henry D. Joubert, a civil engineer of 2287 Loring place, and Jay S. Rogers, cashier of the Interborough Transfer Company, of 2275 Bridge avenue.

Of the forty-six talsmen who had been examined up to the time court adjourned yesterday seven were excused because they objected to capital punishment and eleven because they said they would not send a man to the chair on circumstantial evidence.

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## SHOE PROFITEER CAUGHT.

Park Row Dealer Bought Pairs at \$4.25 and Sold for \$7.95.

Opening his campaign against clothing profiteers, Arthur Williams, Federal Food Administrator, declared yesterday he had directed the attention of Benjamin A. Matthews, Assistant United States District Attorney, to several shoe dealers who must answer to the charge of selling bogus army shoes and profiteering. According to Mr. Williams, Henry E. Sammet, president of the Underprice Shoe Company, operating two stores at Nos. 125 and 172 Park Row, admitted selling shoes which cost him \$4.25 for \$7.95. An inspector working for Mr. Williams purchased a pair of the shoes in one of the stores.

This is the first case of alleged profiteering in shoes which has been ordered before the United States District Attorney. "I hope to make an example of this case as a warning to all other dealers," said Mr. Williams yesterday. "Not alone was the profit excessive in this case, but the merchant appears to have misrepresented his article. I have directed Mr. Matthews to prosecute this individual on charges of violating the Lever act in regard to profiteering and for misrepresenting his wares."

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